IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPEAL NO.221 OF 2003

Contract Advertising (India)
Private Limited .. Appellant.

V/s.

Deputy Commissioner of Income-tax,
Special Range-1, Mumbai & Anr. .. Respondents.

Mr.A.K. Jasani for the appellant.

Mr.R.V. Desai, Senior counsel with Ms.S.V. Bharucha i/b. P Kapur for the respondents.

CORAM : R.M. LODHA, &
J.P. DEVADHAR, JJ.

DATED : 4TH OCTOBER, 2004.

P.C. :

Heard Mr.A.K. Jasani, the learned counsel for the appellant and perused the order of Income Tax Appellate Tribunal.

2. In our considered view the Tribunal's view cannot be faulted in the light of the judgments of the Supreme Court in the case of (i) Commissioner of Income Tax V/s. Karamchand Thapar & Others [222 ITR 112] and (ii) Commissioner of Income Tax V/s. T.V. Sundaram Iyengar & Sons Limited [222 ITR 344].

3. Though the learned counsel for the

assessee heavily relied upon the judgment of the Supreme Court in the case of Commissioner of Income Tax V/s. Sugauli Sugar Works (P) Limited [236 ITR 518], on close consideration we find that the judgment of the Supreme Court in the case of Sugauli Sugar Works (P) Limited cannot be applied to the facts of the present case.

4. No substantial question of law arises in this appeal.

5. The appeal is dismissed in limine.

(R.M. LODHA, J.)

(J.P. DEVADHAR, J.)